IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 21ST AUGUST 2007 / 30TH SRAVANA 1929

Crl.MC.No. 2664 of 2007()

ST.545/2006 of JUDL. MAGISTRATE OF FIRST CLASS COURT, VADAKKANCHERY
CRL.M.C.No.1997/07 OF THE SESSIONS JUDGE, THRISSUR

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PETITIONER: PETITIONERS/ACCUSED NOS.7,8,10,11,12,14,16,17 & 21

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1. K.M.MOIDU, S/O MARACKAR,
   KUTTIYIL HOUSE, MINALOOR P.O.,
   THRISSUR.

2. MOHANDAS, S/O PRABHAKARA MENON,
   KUNNATH PANICKAVEETTIL,
   PARLIKAD P.O., THRISSUR.

3. SUNDARAN, S/O APPUNNI,
   KUDIKUNNEL, MEENALOOR P.O.,
   THRISSUR.

4. ARUN, S/O ACHUTHAN,
   MULLAPULI PARAMBIL, MEENALOOR P.O.,
   THRISSUR.

5. SALAM, S/O MUHAMMAD,
   THAZHATHETHIL, MEENALOOR P.O.,
   THRISSUR.

6. RAJEEVAN, S/O KUTTAPPAN,
   MANAPARAMURIYIL, MEENALOOR, THRISSUR.

7. BIJU, S/O VIJAYAN, MANGADAN,
   MEENALOOR P.O., THRISSUR.

8. UDAYAKUMARAN, S/O RAGHAVAN,
   KOZHUMALAYIL, MEENALOOR.

9. SARASWATHY P., W/O MURALI,
   PUZHANKARA, MEENALOOR.

BY ADV. SRI.D.SREEKUMAR

RESPONDENTS: RESPONDENT/COMPLAINANT

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 21/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.2664 of 2007

Dated this the 21st day of August, 2007

O R D E R

The petitioners face indictment in a prosecution for offences punishable, inter alia, under Section 283 r/w 149 I.P.C. The petitioners are accused 7, 8, 10, 11, 12, 14, 16, 17 and 21. According to the petitioners, on a date when their presence was absolutely not essential even though they were represented by counsel, the learned Magistrate rejected the application to excuse their absence and issued non bailable warrants to the accused and sureties. The petitioners are willing to appear before the learned Magistrate and seek bail. But they submit that issue of non bailable warrants is causing unnecessary harassment and embarrassment to them. They pray that appropriate directions may be issued under Section 482 Cr.P.C.

2. I have perused the order sheet. I have heard the learned counsel for the petitioners. I have seen the averments in this Crl.M.C. I have also gone through the order passed by the learned Sessions Judge in the application filed under Section 438 Cr.P.C. I have considered all relevant circumstances. I am satisfied that directions deserve to be issued in favour of the petitioners.

3. This Crl.M.C is accordingly allowed. There shall be a direction that the warrants of arrest issued against the petitioners and the notice issued to the sureties shall not be proceeded with. The petitioners shall appear before the learned Magistrate on or before 03.09.07. If they appear on that date, the learned Magistrate shall drop all further proceedings and permit them to continue to be on bail and to appear in the matter.

Hand over a copy of this order to the learned counsel for the petitioners.

(R.BASANT, JUDGE)

rtr/-